

NOT FOR PUBLICATION

(Doc. No. 16)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

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MICHELLE E. ALFRED,	:	
	:	Civil No. 13-332 (RBK/AMD)
Plaintiff,	:	
	:	
v.	:	<b>ORDER</b>
	:	
	:	
STATE OF NEW JERSEY, et al.,	:	
	:	
Defendants.	:	
	:	

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**KUGLER**, United States District Judge:

**THIS MATTER** having come before the Court upon pro se Plaintiff Michelle Alfred's ("Plaintiff") motion for default judgment as to Defendant Rebeca Seabrook ("Defendant") pursuant to Fed. R. Civ. P. 55 (Doc. No. 16);<sup>1</sup> and

**IT APPEARING TO THE COURT** that Plaintiff served Defendant in this matter via U.S. Marshall on July 24, 2014 (Doc. No. 13); and

**IT FURTHER APPEARING TO THE COURT** that Defendant did not file an answer or otherwise respond to Plaintiff's Amended Complaint within the 21-day time period for a responsive pleading under Fed. R. Civ. P. 12; and

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<sup>1</sup> Plaintiff filed the motion for "Default by Rebeca Seabrook," without referencing a Rule. Pl.'s Br. 1. The Court notes that a motion for default judgment is properly considered under Fed. R. Civ. P. 55, and will analyze the motion accordingly.

**IT FURTHER APPEARING TO THE COURT** that Plaintiff did not seek an entry of default from the clerk of court pursuant to Fed. R. Civ. P. 55(a) after Defendant failed to plead or otherwise defend in this matter; and

**THE COURT NOTING** that a party seeking relief under Fed. R. Civ. P. 55 must first obtain an entry of default from the clerk of court under Fed. R. Civ. P. 55(a) as a precondition to obtaining a default judgment, see DeTore v. Local No. 245 of Jersey City Pub. Emps. Union, 511 F. Supp. 171, 176 (D.N.J. 1981); Husain v. Casino Control Comm'n, 265 Fed. App'x 130, 133 (3d Cir. 2008) ("[E]ntry of default by the Clerk under Federal Rule of Civil Procedure 55(a) constitutes a general prerequisite for a subsequent default judgment under Rule 55(b).");

**IT IS HEREBY ORDERED** that Plaintiff's motion for default judgment is **DENIED WITHOUT PREJUDICE**. Plaintiff may re-file her motion following the clerk's entry of default.

Dated: 12/12/2014

s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge